IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1333 OF 2007

Samarth Sahakari Bank Ltd. ..Applicant
Vs.
Sanjay Vilas Ingle and anr. ..Respondents

Mr. M.S. Mohite for applicant.
Mr. D.R. More, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : July 16, 2007.

P.C.:

1. Heard Mr. Mohite the learned counsel for the applicant-Bank which is seeking leave to appeal against the order of acquittal passed by the learned Judicial Magistrate, First Class at Solapur on 31/1/2007 thereby dismissing Summary Trial Case No.628 of 2001 filed for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. The said complaint has been dismissed solely on the ground that the complaint filed by the Bank was not maintainable without authority letter in favour of Shri Umesh Shrinivas Thobbi. However, his affidavit filed by way of examination-in-chief clearly states in para 1

therein that he was authorised by the Bank by its resolution dated 14/2/2001 to file the said complaint against the accused.

2. Hence, special leave to appeal under Section 378(4) of Cr.P.C. is hereby granted.

3. Admit the appeal.

4. Call for R & P.

5. Action under Section 390 of Cr.P.C. to be taken by the learned JMFC at Solapur.

(B.H. Marlapalle,J.)